

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4059

To amend the Immigration and Nationality Act to provide for the expedited deportation of criminal aliens, to expand the health-related causes for which aliens may be excluded, to prohibit certain Federal benefits to aliens who are not lawfully within the United States, and to provide that aliens applying for asylum shall be detained.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 1994

Mr. TAYLOR of North Carolina (for himself, Mr. SOLOMON, Mr. CRANE, Mr. CRAMER, Mr. BOEHNER, and Mr. WILSON) introduced the following bill; which was referred jointly to the Committees on the Judiciary, Government Operations, and Ways and Means

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## A BILL

To amend the Immigration and Nationality Act to provide for the expedited deportation of criminal aliens, to expand the health-related causes for which aliens may be excluded, to prohibit certain Federal benefits to aliens who are not lawfully within the United States, and to provide that aliens applying for asylum shall be detained.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Immigration Reform  
5       Act of 1994”.

1 **SEC. 2. EXPEDITED DEPORTATION AND EXCLUSION OF**  
2 **CONVICTED ALIENS.**

3 (a) DEPORTATION.—Section 242(h) of the Immigra-  
4 tion and Nationality Act (8 U.S.C. 1252(h)) is amended  
5 to read as follows:

6 “(h)(1) Subject to paragraphs (2) and (3), an alien  
7 sentenced to imprisonment shall be deported promptly  
8 after sentencing, whether or not the alien appeals such  
9 conviction and sentence.

10 “(2) In the discretion of the Attorney General, the  
11 Attorney General may defer the deportation of any alien  
12 under this subsection until the termination of imprison-  
13 ment.

14 “(3) This subsection shall apply—

15 “(A) in the case of an alien in the custody of  
16 the Attorney General, if the Attorney General deter-  
17 mines that the alien has been adequately punished  
18 and that such deportation of the alien is appro-  
19 priate; or

20 “(B) in the case of an alien in the custody of  
21 a State, if the chief State official exercising author-  
22 ity with respect to the incarceration of the alien de-  
23 termines (i) that the alien has been adequately pun-  
24 ished and that such deportation is appropriate, and  
25 (ii) submits a written request to the Attorney Gen-  
26 eral that such alien be so deported.”.

1 (b) PROHIBITION OF REENTRY INTO THE UNITED  
2 STATES.—Section 212(a)(2) of such Act (8 U.S.C.  
3 1182(a)(2)) is amended—

4 (A) by redesignating subparagraph (F) as sub-  
5 paragraph “(G)”; and

6 (B) by inserting after subparagraph (E) the fol-  
7 lowing new subparagraph:

8 “(F) ALIENS DEPORTED BEFORE SERVING MIN-  
9 IMUM PERIOD OF CONFINEMENT.—An alien de-  
10 ported pursuant to section 242(h) is excludable dur-  
11 ing the minimum period of confinement to which the  
12 alien was sentenced.”.

13 **SEC. 3. EXCLUSION OF ALIENS ON HEALTH-RELATED**  
14 **GROUND.**

15 (a) EXCLUSION OF ALIENS ON HEALTH-RELATED  
16 GROUND.—Section 212(a)(1)(A)(i) of the Immigration  
17 and Nationality Act (8 U.S.C. 1182(a)(1)(A)(i)) is amend-  
18 ed by inserting at the end “which shall include infection  
19 with the etiologic agent for acquired immune deficiency  
20 syndrome, gonorrhea, syphilis, leprosy, and tuberculosis”.

21 (b) EFFECTIVE DATE.—The amendment made by  
22 this section shall take effect 30 days after the date of en-  
23 actment of this Act.

1 **SEC. 4. PROHIBITION OF DIRECT FEDERAL FINANCIAL**  
2 **BENEFITS TO ALIENS NOT LAWFULLY WITHIN**  
3 **THE UNITED STATES.**

4 (a) IN GENERAL.—On and after the date of the en-  
5 actment of this Act, notwithstanding any other provision  
6 of law, no direct Federal financial benefit or social insur-  
7 ance benefit may be paid or otherwise given to any person  
8 not lawfully present in the United States, except pursuant  
9 to a provision of the Immigration and Nationality Act.

10 (b) UNEMPLOYMENT BENEFITS.—No alien who has  
11 not been granted employment authorization pursuant to  
12 Federal law shall be eligible for unemployment benefits.

13 (c) CONSTRUCTION.—This section shall not apply to  
14 the provision of foreign aid to aliens abroad.

15 (d) DEFINITION.—For purposes of this section, the  
16 term “person not lawfully within the United States”  
17 means any person who at the time the person applies for,  
18 receives, or attempts to receive a Federal financial benefit  
19 or social insurance benefit is not a United States citizen,  
20 a permanent resident alien, an asylee, a refugee, a parolee,  
21 or a non-immigrant in status.

22 (e) PROGRAMS FOR WHICH ALIENS MAY BE ELIGI-  
23 BLE.—The limitation under subsection (a) shall not apply  
24 to medical assistance with respect to emergency services  
25 (as defined for purposes of section 1916(a)(2)(D) of the  
26 Social Security Act). The provision of any such medical

1 assistance pursuant to this subsection may not exceed 30  
2 days.

3 **SEC. 5. DETENTION OF ALIENS APPLYING FOR ASYLUM.**

4 (a) IN GENERAL.—Section 208 of the Immigration  
5 and Nationality Act (8 U.S.C. 1158) is amended by add-  
6 ing at the end the following:

7 “(e) An applicant for asylum under subsection (a)  
8 who is not lawfully within the United States shall be de-  
9 tained pending a final determination regarding the asylum  
10 application.”.

11 (b) EFFECTIVE DATE.—The amendment made by  
12 subsection (a) shall take effect with respect to aliens who  
13 apply for asylum beginning 90 days after the date of en-  
14 actment of this Act.

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